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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/085,538

02/26/2002

Koji Kunii

450100-03802

2783

20999

7590

12/12/2006

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EXAMINER

SHEPARD, JUSTIN E

ART UNIT

PAPER NUMBER

2623

DATE MAILED: 12/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/085,538	Applicant(s) KUNII ET AL.	
	Examiner Justin E. Shepard	Art Unit 2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 25 October 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10/25/06 has been entered.

### ***Response to Arguments***

Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 101***

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 6 and 7 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The preambles of these claims do not fit the USPTO form for a claiming a computer program. A suggested change would be "a program stored on a computer readable medium, executable on a computer causing the computer to perform the following steps."

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bowser in view of Newberry in view of Lemmons.

Referring to claim 1, Bowser discloses a portable information terminal apparatus comprising:

acquiring means for acquiring a plurality of pieces of program information (column 4, line 60);

first display controlling means for controlling display on a display screen of said program information acquired by said acquiring means (column 4, lines 60-63);

second display controlling means for controlling display on said display screen of said other program information after retrieval by said retrieving means (column 5, lines 2-6).

Bowser does not disclose an apparatus with extracting means for extracting a time included in said program information; and retrieving means which, based on the time extracted by said extracting means, retrieves other program information about programs to be broadcast in a time slot relative to said program information.

Newberry discloses an apparatus with extracting means for extracting a time included in said program information; and retrieving means which, based on the time

extracted by said extracting means, retrieves other program information about programs to be broadcast in a time slot relative to said program information (column 1, lines 53-57).

At the time of the invention it would have been obvious for one of ordinary skill in the art to add the time segment extraction taught by Newberry in the apparatus disclosed by Bowser. The motivation would have been to provide a small amount of data to the PDA as it has a limit of how much information it can display at one time (Bowser: column 7, lines 18-20).

Bowser and Newberry do not disclose an apparatus wherein said acquiring means acquires said program information by issuing a request including a unique user ID and acquires said program information applicable to the user ID.

Lemmons discloses an apparatus wherein said acquiring means acquires said program information by issuing a request including a unique user ID and acquires said program information applicable to the user ID (column 19, lines 9-14).

At the time of the invention it would have been obvious for one of ordinary skill in the art to add the user specific EPG requesting taught by Lemmons to the apparatus taught by Bowser and Newberry. The motivation would have been to allow different users to have their own channel lists (Lemmons: column 19, lines 9-14).

Claims 5, 6, and 7 are rejected on the same grounds as claim 1.

Referring to claim 2, Bowser does not disclose a portable information terminal apparatus according to claim 1, wherein said time is a broadcast start time.

Newberry discloses a portable information terminal apparatus according to claim 1, wherein said time is a broadcast start time (column 1, lines 53-57; Note: it would be inherent that a time segment would contain beginning and ending times).

At the time of the invention it would have been obvious for one of ordinary skill in the art to add the time segment extraction taught by Newberry in the apparatus disclosed by Bowser. The motivation would have been to provide a small amount of data to the PDA as it has a limit of how much information it can display at one time (Bowser: column 7, lines 18-20):

Referring to claim 3, Bowser discloses a portable information terminal apparatus according to claim 1, further comprising third display controlling means which, if any program name is selected by a user performing an operation from among said other program information displayed on said display screen under control of said second display controlling means, then controls display on said display screen of detailed program information about the selected program information (column 7, lines 31-39; Note: the favorite channel creating system is being interpreted as the third display controller).

Referring to claim 4, Bowser discloses a portable information terminal apparatus according to claim wherein, said other program information cannot be displayed entirely at one time on said display screen, then said second display controlling means calls up

Art Unit: 2623

an un-displayed part of said other program information for display based on an operation performed by a user (column 7, lines 18-20 and 31-32).


### **Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Justin E. Shepard whose telephone number is (571) 272-5967. The examiner can normally be reached on 7:30-5 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Grant can be reached on (571) 272-7294. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JS

  
SCOTT E. BELIVEAU  
PRIMARY PATENT EXAMINER